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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,578	09/23/2003	Jeffrey A. Kusnitz	RSW920030150US1	5640

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BOCA RATON, FL 33487

EXAMINER

ADDY, THJUAN KNOWLIN

ART UNIT	PAPER NUMBER
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2614

MAIL DATE	DELIVERY MODE
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08/23/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/669,578

Applicant(s)

KUSNITZ ET AL.

Examiner

Thjuan K. Addy

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 and 33-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 and 33-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed on May 29, 2007 has been entered. Claims 1, 6, 7, 13-15, 22, and 23 have been amended. Claims 25-32 have been cancelled. No claims have been added. Claims 1-24 and 33-35 are now pending in this application, with claims 1, 9, 17, and 33 being independent.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-24 and 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tenhunen (US Patent Application, Pub. No.: US 2005/0033852 A1), in view of Yoakum et al (US Patent Application, Pub. No.: US 2004/0059781 A1).
3. In regards to claims 1, 9, 17, and 33, Tenhunen discloses a telephone (See Fig. 3 and mobile terminal 302), method, computer storage medium, and wireless telephone system having a first connection to a packet switched network (See Fig. 3 and Internet 336) comprising apparatus for storing multiple identifications of one or more entities (See Fig. 3 and mobile terminal 312) selectable by a user of the telephone that can be called from the telephone, apparatus for storing one or more telephone numbers (e.g.,

contact information and/or home telephone number) associated with each entity (See pg. 3, paragraph [0039] and pg. 7, paragraph [0071]), a memory for storing the presence indicators in association with their corresponding telephone numbers (See Fig. 7, Claim 13, and pg. 7, paragraph [0071]), and apparatus responsive to a selection of an entity (e.g., "Tiffany") by a user for selecting a number (e.g., home telephone number) for dialing based on the state of the presence indicators associated with the selected entity (See pg. 7, paragraph [0071]). Tenhunen, however, does not specifically disclose apparatus for receiving from the packet switched network presence indicators associated with some of the telephone numbers. Yoakum, however, does disclose apparatus for receiving from the packet switched network (See Fig. 1 and packet-switched network 12/presence system 20) presence indicators associated with some of the telephone numbers (See pg. 3, paragraph [0029] and pg. 4, paragraph [0032] – [0033]). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to incorporate this feature within the apparatus, as a way of allowing a subscriber/calling party to receive on his or her telephone, via the Internet, presence information and updates, pertaining to an individual/called party, thus allowing the subscriber/calling party to be informed of whether or not the individual/called party is available, at a particular location and/or number, thus, eliminating unnecessary dialing or attempts to reach the individual/called party.

4. In regards to claims 2, 10, and 18, Tenhunen discloses all of claims 2, 10, and 18 limitations, except the telephone, method, and computer storage medium, having apparatus for placing calls over a circuit-switched telephone network and apparatus for

placing calls over the packet-switched network. Yoakum, however, does disclose having apparatus for placing calls over a circuit-switched telephone network (See Fig. 1 and circuit-switched network 10) and apparatus for placing calls over the packet-switched network (See Fig. 1 and packet-switched network 12) (See pg. 2, paragraph [0019]).

5. In regards to claims 3, 11, and 19, Tenhunen discloses all of claims 3, 11, and 19 limitations, however, Tenhunen does not specifically disclose a base station having connections to the circuit-switched network and to the packet-switched network and a mobile device that communicates with the base station using wireless protocols.

Yoakum, however, does disclose a base station (See Fig. 7 and subscriber/base station interface 70) having connections to the circuit-switched network and to the packet-switched network and a mobile device that communicates with the base station using wireless protocols (See pg. 2, paragraph [0019] and pg. 8, paragraph [0071]).

6. In regards to claims 4, 12, 20, and 34, Tenhunen discloses the telephone, method, computer storage medium, and system, wherein the base station contains the apparatus for storing the identifications of entities, the telephone numbers (e.g., contact information and/or home telephone number) associated with the entities (See pg. 3, paragraph [0039] and pg. 7, paragraph [0071]) and the presence indicators, a memory for storing the name of the entities (See Fig. 7, Claim 13, and pg. 7, paragraph [0071]), means allowing a user to select an entity for dialing, and means for transmitting a name (e.g., "Tiffany") of a selected entity to the base station (See Fig. 7 and pg. 7, paragraph [0071]).

7. In regards to claims 5, 13, and 21, Tenhunen discloses all of claims 5, 13, and 21 limitations, except the telephone, method, and computer storage medium, further comprising an apparatus for routing a call to the circuit-switched network or to the packet-switched network according to a user preference associated with the selected number. Yoakum, however, does disclose an apparatus for routing a call to the circuit-switched network or to the packet-switched network according to a user preference associated with the selected number (See pg. 2, paragraph [0019] and pg. 8, paragraph [0071]).

8. In regards to claims 6, 14, and 22, Tenhunen discloses all of claims 6, 14, and 22 limitations, except the telephone, method, and computer storage medium, further comprising a memory for storing user routing preferences based on time-of-day. Yoakum, however, does disclose a memory for storing user routing preferences based on time-of-day (See pg. 5, paragraph [0044]).

9. In regards to claims 7, 15, and 23, Tenhunen discloses all of claims 7, 15, and 23 limitations, except the telephone, method, computer storage medium, further comprising a memory for storing user routing preference based on an area code of the selected number. Yoakum, however, does disclose a memory for storing user routing preferences based on time-of-day (See pg. 5, paragraph [0044]). Therefore, it would have been obvious to incorporate a memory for storing user routing preference based on an area code of the selected number.

10. In regards to claims 8, 16, and 24, Tenhunen discloses all of claims 8, 16, and 24 limitations, except the telephone, method, and computer storage medium, further

comprising an apparatus responsive to an unanswered telephone call for determining if additional numbers are stored for the called entity and re-trying a call to such an additional telephone number. Yoakum, however, does disclose an apparatus responsive to an unanswered telephone call for determining if additional numbers are stored for the called entity and re-trying a call to such an additional telephone number (See pg. 4, paragraph [0034] – [0040]).

11. In regards to claim 35, Tenhunen discloses all of claim 35 limitations, except the system, wherein an identification stored in the handset is a company name. Tenhunen, however, does disclose an identification stored in the handset is a person's name (e.g., "Tiffany") (See Fig. 7). Therefore, it would have been obvious to incorporate the name as being a company name.

Response to Arguments

12. Applicant's arguments with respect to claims 1-24 and 33-35 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kleinoder et al (US 6,700,967) teach a presence information method and system. Albal et al (US 6,996,227) teach systems and methods for storing information associated with a subscriber.

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14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thjuan K. Addy whose telephone number is (571) 272-7486. The examiner can normally be reached on Mon-Fri 8:30-5:00pm.

15. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

16. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Thjuan K. Addy', with a long horizontal flourish extending from the end of the signature.

Thjuan K. Addy
Patent Examiner
AU 2614